

Surrydowns, Bellevue, Washington
King County Real Estate Division
Communications Strategy

(DRAFT) 2 Feb 2005

Region 10 OCE will issue a Toxic Substances Control Act (TSCA) Administrative Complaint to the King County Real Estate, for violations of the TSCA. The TSCA Complaint is for a total proposed penalty of \$ 70,350.

Background On July 14, 2004 the EPA Region 10 PCB Program was notified by King County Health Officer: Tracy Mayfield (206) 296-3928 that he had visited a day care and there were potential leaking PCB light ballasts. This was referred to OEA. On July 29, 2004 OEA responded that an inspector to be assigned. On August 3, 2004 the Program received a response from OEA Dr. Mike Watson: Contacted by Frances Limtiaco (425) 649-7159 Child Care Specialist w/DSHS. Additional concerns of asbestos, plumbing lead solder and fluorescent light ballasts.

On August 5 and 10, 2004, EPA conducted inspections of Surrydowns Children's Center located at 609 112th Avenue SE in Bellevue, Washington. At the time of the EPA inspections, Surrydowns Children's Center was being operated as a daycare facility for children. At the time of the EPA inspections, the daycare facility was owned by King County. At the time of the EPA inspections, the daycare facility was operated by a lessee of King County named Surrydowns Children's Center. King County is a political subdivision of the state of Washington. EPA obtained samples during the inspections and submitted these samples to a laboratory for analysis. The sampling and analysis was conducted according to established applicable protocol and quality assurance techniques.

The following conditions existed at the daycare facility at the time of the EPA inspections. In the main office area, there was PCB liquid at a concentration of 81 parts per million (ppm) that had been discharged onto a fluorescent light fixture tray hanging from the ceiling immediately beneath a fluorescent light ballast. In the main office area, there was PCB liquid PCBs at a concentration of 390 ppm that had been discharged onto a fluorescent light fixture tray hanging from the ceiling immediately beneath a fluorescent light ballast. In the pre-school 3 area, there was PCB liquid at a concentration of 460,000 ppm that had been discharged onto a fluorescent light fixture tray hanging from the ceiling immediately beneath a fluorescent light ballast.

In the pre-school 3 area, there was PCB liquid at a concentration of 140,000 ppm that had been discharged onto a fluorescent light fixture tray hanging from the ceiling immediately beneath a fluorescent light ballast. In the pre-school 3 area, there was a plastic container with no top located on the floor, and there was PCB liquid at a concentration of 310 ppm in the container. There were no markings either in the pre-school 3 area or on the plastic container indicating the presence of PCBs. In the after school area, there was PCB liquid at a concentration of 96,000 ppm that had been discharged onto a fluorescent light fixture tray hanging from the ceiling immediately beneath a fluorescent light ballast. In the after school area, there was PCB liquid at a concentration of 920 ppm that had been discharged onto a fluorescent light fixture tray hanging from the ceiling immediately beneath a fluorescent light ballast.

In the after school area, there was PCB liquid at a concentration of 58 ppm that had been

discharged onto a fluorescent light fixture tray hanging from the ceiling immediately beneath a fluorescent light ballast. In the pre-kindergarten/kindergarten area, there was PCB liquid at a concentration of 1,100 ppm that had been discharged onto a fluorescent light fixture tray hanging from the ceiling immediately beneath a fluorescent light ballast. In the pre-kindergarten/kindergarten area, there was PCB liquid at a concentration of 390,000 ppm that had been discharged onto a fluorescent light fixture tray hanging from the ceiling. In the pre-kindergarten/kindergarten area, there was PCB liquid at a concentration of 210,000 ppm that had been discharged onto a fluorescent light fixture tray hanging from the ceiling immediately beneath a fluorescent light ballast. In the pre-kindergarten/kindergarten area, there was PCB liquid at a concentration of 1,500,000 ppm that had been discharged onto a fluorescent light fixture tray and wires hanging from the ceiling immediately beneath a fluorescent light ballast.

In the pre-school 4 area, there was PCB liquid at a concentration of 3,300,000 ppm that had been discharged onto a fluorescent light fixture tray hanging from the ceiling immediately beneath a fluorescent light ballast. In the pre-school 4 area, there was PCB liquid at a concentration of 1,700,000 ppm that had been discharged onto a fluorescent light fixture tray hanging from the ceiling immediately beneath a fluorescent light ballast. In the pre-school 4 area, there was PCB liquid at a concentration of 92 ppm that had been discharged onto carpeting located on the floor beneath a fluorescent light fixture and ballast hanging from the ceiling in this area.

Penalty Assessment: Taking into account all of the statutory factors, the proposed assessed penalty is calculated as follows:

<u>VIOLATION</u>	<u>REGULATION(S)</u>	<u>REQUIREMENT</u>	<u>PENALTY</u>
#1	761.60(a)	Disposal	\$1,725
#2	761.60(a)	Disposal	\$1,725
#3	761.60(a)	Disposal	\$5,775
#4	761.60(a)	Disposal	\$1,725
#5	761.60(a)	Disposal	\$5,775
#6	761.40(a)(1)	Marking	\$3,450
#7	761.65(c)(3)	Marking	\$3,450
	761.40(a)(10)		
#8	761.65(c)(6)	Container	\$3,450
#9	761.205(a)(2)	Notification	\$5,775
	761.202(b)(1)	I.D. #	
#10	761.60(a))	Disposal	\$1,725
#11	761.60(a)	Disposal	\$1,725
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#17	761.60(a)	Disposal	\$5,775
#18	761.60(a)	Disposal	\$5,775
#19	761.60(a)	Disposal	\$5,775
TOTAL =			\$70,350

Actions to be taken:

<u>Action</u>	<u>Responsible Person</u>
1) News Release drafted (Feb 14th)	Mark MacIntyre
2) Pre-Meeting (Feb 2nd)	Daniel Duncan
3) Meeting w/RA (Feb 14th)	Mike Bussell/Scott Downey
4) Final CAFO (Feb 21st)	Richard Mednick
5) CAFO Signed (Feb 28th)	Richard Mednick
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7) CAFO filed with Hearing Clerk	Melissa Whitaker
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9) Courtesy calls to: King County Executives, King County Health Department.	Mike Bussell
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Surrydowns, Bellevue, Washington
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14 Feb 2005

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Surrydowns, Bellevue, Washington
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12 Apr 2005

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Background On July 14, 2004 the EPA Region 10 PCB Program was notified by King County Health Officer: Tracy Mayfield (206) 296-3928 that he had visited a day care and there were potential leaking PCB light ballasts. This was referred to OEA. On July 29, 2004 OEA responded that an inspector to be assigned. On August 3, 2004 the Program received a response from OEA Dr. Mike Watson: Contacted by Frances Limtiaco (425) 649-7159 Child Care Specialist w/DSHS. Additional concerns of asbestos, plumbing lead solder and fluorescent light ballasts.

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Penalty Assessment: The assessed penalty is \$ 29,510 based on the April 11, 2005 settlement conference held at EPA Region 10 with King County.

PCB Remediation: The EPA issued a letter to King County on March 17, 2005 for the completion of the PCB remediation at the Surrydowns Day Care Center. The King County spent a total of \$81,500 to complete the PCB remediation at the Surrydowns Day Care Center.

The EPA in conjunction with issuing a Compliance Agreement and Final Order (CAFO) has filed a TSCA Complaint to the Surrydowns Day Care Center Operator.

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Draft CAFO Issued (March 2, 2005)	
Settlement Conference (April 11, 2005)	
TSCA Docket # Requested (April 12, 2005)	Daniel Duncan
Final CAFO (April 12, 2005)	Richard Mednick
5) CAFO Signed (Apr 14 th)	Richard Mednick RA
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